

REMARKS

This Response to Office Action is submitted in response to the Office Action of August 21, 2003, and in accordance with the personal interview conducted on November 4, 2003. Claims 1-6, 11, 12, 13, 15, 16, 20-24 and 28-30 have been amended. New Claims 31-46 have been added. No new matter has been added.

A Request for Continued Examination is submitted herewith. A Petition for a Two Month Extension of Time is submitted herewith. A check in the amount of \$456.00 is submitted herewith to cover the cost of the RCE, the additional claims and the two-month extension. Please charge deposit account number 02-1818 for any insufficiency of payment or credit any overpayment.

The Office Action rejected Claims 1 to 14 and 16 to 25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,004,207 to Wilson, Jr. et al. ("Wilson"). The Office Action rejected Claims 15 and 26 to 27 under 35 U.S.C. §103(a) as being unpatentable over Wilson. Applicants disagree that these claims are anticipated by or obvious in view of Wilson. Applicants have restructured the claims as discussed during the interview to make them clear regarding the random designation of the award modifier.

As discussed during the interview, the Wilson counter increases each time a symbol appears on or near the payline of the reels. Whenever this counter reaches a predetermined value, the multiplier value increases by one, and the counter decreases by the predetermined value. (Wilson, col. 2, lines 12-17). Specifically, for every ten points that are achieved, the multiplier value increases by one until it reaches a maximum of ten. (Wilson, col. 5, lines 43-55). The multiplier value has a preselected range. When a winning combination occurs in Wilson, the payout is multiplied by the multiplier value and the multiplier value returns to its lowest value. (Wilson, col. 3, lines 49-56).

In contrast, as discussed in the present specification, one embodiment of the present invention provides a plurality of award modifiers wherein one of the award modifiers is randomly designated. The designated award modifier in the present invention changes to another award modifier upon an occurrence of an incrementor.

More specifically, amended Claim 1 is directed to a gaming device which includes a processor which modifies the award using the designated award modifier when the player obtains the activator on the reels. The gaming device of Claim 1 randomly designates one of a plurality of award modifiers. Upon an occurrence of an incrementor, the designated one of the award modifiers is changed to another one of the award modifiers. Wilson does not disclose or suggest all of the elements of Claim 1. In Wilson, the multiplier value always starts at its lowest value. In amended Claim 1, the processor randomly designates one of the award modifiers and changes the designated one of the award modifiers to another one of the award modifiers after a player obtains an incrementor. It is therefore respectfully submitted that amended Claim 1 and Claims 2-9, 11-21 and new Claims 31, 38-42 that depend from amended Claim 1 are each patentably distinguished over Wilson and in condition for allowance.

Amended Claim 22 is directed to a gaming device including a plurality of award modifiers ranging from low to high values wherein each award modifier is adapted to change a player's award generated in a primary game, wherein one of said award modifiers is randomly designated using a weighted probability distribution. Claim 22 also includes an incrementor in the primary game, wherein the processor changes the designated award modifier to another one of the award modifiers when the incrementor is obtained. Claim 22 includes an activator in the primary game, wherein the processor changes the player's award using the designated award modifier when the player obtains the activator. The processor changes the designated award modifier to another one of the award modifiers when the incrementor is obtained. In Wilson, the multiplier value always starts at its lowest value. The gaming device of Claim 22 designates one of the award modifiers and changes the designated award modifier to another one of the award modifiers when the player obtains an incrementor. It is therefore respectfully submitted that Claim 22 is patentably distinguished over Wilson and is in condition for allowance and new Claims 28 to 30 and 32 which directly or indirectly depend from amended Claim 22 are patentably distinguished over Wilson and are in condition for allowance.

Amended Claim 23 is directed to a method for operating a gaming device which includes randomly designating a modifier from a plurality of modifiers, enabling a player to play a base game of the gaming device, changing the designated modifier to another one of the modifiers upon a predefined base game outcome, determining if the player obtains an activator in the base game, and modifying a number of base game credits based on the designated modifier if the player obtains the activator. As discussed above, Wilson does not randomly designate a modifier. It is therefore respectfully submitted that amended Claim 23 is patentably distinguished over Wilson and is in condition for allowance and Claims 24-27 and 33 which directly or indirectly depend from amended Claim 23 are patentably distinguished over Wilson and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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